

# Meeting Minutes

Jacobsville Neighborhood Soil Contamination  
202 E Maryland St. Property Owner Issue Meeting  
Evansville, IN  
June 26, 2012  
15:30-16:45 CST

## Attendees:

Mary Tierney, EPA (Remote)  
Cory Reiter, SulTRAC (Remote)  
Chris Dietrich, SulTRAC  
Marcos Mateus, LES  
Carlton Lehman, LES  
Dave Novak, EPA  
Audra Sabo SulTRAC – (Meeting Minute Taker)

## Fence:

- Started backfill at 1pm 6/26/12. Property owner Mr. James R Stark Jr. (PO) is letting us backfill yard and will contact SulTRAC after backfill is complete. PO called Marcos approx. at 3:30 but did not accept the call because LES wanted direction from before communicating with Mr. Stark.
- While discussing backfill earlier today PO told Novak (EPA) to leave property or deals off.
- PO has not been informed that the privacy fence will not be installed.
- SulTRAC reiterated to the meeting attendees the list with PO request items that Mary and EPA lawyer discussed.
- EPA reiterated the fact that the main purpose of the project is to reduce the threat for lead and restore property to pre-remediation conditions.
- LES agreed with PO that they would move the fence, but now the PO wants a privacy fence instead of the original chain link fence.

## AC Unit:

- LES-It cannot be proven or disproven that dust got into it while working. The units are made to sit outside and be exposed to dust. It's \$50 for a HVAC cleaning, that's not improving the property in any way. LES has paid for cleaning before; if they have a professional cleaner come in then it releases us of liability of properly cleaning it.
- EPA- said to use best professional judgment on what to replace. Have a HVAC person come out, get opinion, and we will have a record of good condition. Should take into account the precedent that is being set.
- Sultrac- Hand dug around AC unit, no pictures of actual digging. Have a record of wind direction that day. The AC unit was upwind of excavation and on leeway side of house.
- Sultrac- should we suggest an extra air monitor for AC units? Should we have covers for AC units while working? No we can't have covers while AC units are running. It has not been a problem so far on the project.

## Restoration Agreement

- SulTRAC-PO emailed photos to EPA; did he mention retracting restoration agreement in email?
- EPA- no, PO did not mention restoration agreement in email. EPA thought that it was a verbal retraction of the restoration agreement.

- LES-PO called Mary Myrick (LES) and said he wasn't sure if he wanted restoration.
- SulTRAC-Not on record anywhere that he retracted restoration agreement. 48 hour notice left on message on machine. PO admitted that received the message and he choose to ignore the message.
- EPA- 2010 signed access agreement to do samples. 2012 signed restoration agreement.
- SulTRAC-Marcos Mateus and Chris Dietrich met with the PO while on a restoration agreement with the PO's father. PO said he would agree to do the work but wanted to meet with Chris Dietrich and Marcos Mateus and amend the restoration agreement prior to starting work. LES had planned to do this two weeks ago but the PO did request to reschedule because he was dealing with his father's health issues. LES had then planned to re-schedule last week Monday when Chris Dietrich returned from rotation. Due to a mix up at LES, the property was put back on active property list and scheduled for remediation.
- LES- We began to excavate, and work was stopped by the PO shortly into remediation. We talked to the PO, agreed on the restoration and he allowed us to continue to work. Chris Dietrich met with him shortly after and he was happy. After excavation was complete, the PO called Chris Padilla (LES) and Marcos Mateus (LES) with additional requests, documented on email from LES to SulTRAC. One of the requests was that a tree in his yard was leaning, was killed and was in danger of falling over. LES then called an arborist to visit the site. The arborist said that it was likely the tree would survive and was unlikely to fail. PO said since the tree is fine he wants a privacy fence. PO keeps making "after the fact" requests.
- EPA- Don't go above and beyond even with risks of press. EPA will support SulTRAC/LES in their decisions.
- SulTRAC- clarified that the chain link fence is being shifted, not extended.
- EPA-Agrees no problem shifting fence. EPA agreed that there is leeway for restoration, example (from SulTRAC) is replacing a bush that was removed, but placing it in a different location at the discretion of the property owner.

#### **Sod:**

- Mr. Starks requested during the meeting that SulTRAC/LES wash his car due to dust created from backfill his property. EPA's response was we were not required to do so. Also that Stark's requests were never ending and this is what triggered the dust discussion.
- SulTRAC- Do we continue trying to complete his property?
- EPA- We want to talk to PO at every stage he requests.
- Sultrac- Suggested to sod property to reduce risks of runoff.
- EPA-If he refuses sod, Mary Tierney or EPA lawyer will come down.
- LES- We will try to sod, but he probably won't agree. Will put up erosion control. When will we tell PO he's not getting the privacy fence?
- EPA-When can we sod? Sod won't prevent other punch list items from being completed. Put erosion control down.
- LES- We can get sod tomorrow. Will put property on list and try to sod tomorrow.
- SulTrac- When we asked if we could sod, PO said no, because he doesn't want to give up his leverage.
- EPA- Refer to EPA and additional PO demands; don't respond to extra requests. Respond to PO that requests are being referred to EPA and are under review.

#### **Sidewalk:**

- SulTrac- is the PO requesting an extension of his sidewalk?

- LES- yes a 3 ft. extension. Have to put sidewalk in because it was damaged in restoration. The amount of concrete used would be wasted from the mix anyway so it is not additional work.
- SulTRAC- only put sidewalk back where it was preexisting (based on EPA lawyer's comments) because anything else would be an "improvement" to the property.

**Dust:**

- EPA- Has there been more dust than usual?
- LES- Yes because it is drier in Indiana this year. 2 full time water trucks watering sod and dust control 15 hours a day.
- SulTRAC- Southern IN officially in a drought. Haven't exceeded or come close to action level (dust control).
- EPA- Is sod dying?
- LES- Sod that has exceeded the 30 day warranty has started to brown, but that is because property owners have not been maintaining it with water.
- EPA- Use the Force account with discretion for properties that have exceeded 30 day warranty for sod to continue watering.

**Media:**

- Notified Office of Public Affairs, all questions will be forwarded to them. Will provide Office of Public Affairs phone number.

**Resolution:**

- EPA- This situation will not reflect poorly on LES or SulTRAC. The path forward is to finish backfilling of the property and install erosion control devices. Notify PO of decision LES may replace fence and walkway that they damaged and clean out the air conditioner, but will not provide additional improvements including installing a privacy fence.
- Any additional requests from PO send to EPA.

